

ORDINANCE NO. 2006 - 033

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA) FOR PRIVATELY INITIATED AMENDMENT **SOUTHERN/JOG SW (LGA 2006-00004)**, MODIFYING PAGE 64 OF THE FLUA BY CHANGING THE FUTURE LAND USE DESIGNATION FOR APPROXIMATELY 19.62 ACRES, GENERALLY LOCATED ON THE SOUTHWEST CORNER OF SOUTHERN BOULEVARD AND JOG ROAD, FROM LOW RESIDENTIAL, 1 UNIT PER ACRE (LR-1) AND COMMERCIAL LOW, WITH AN UNDERLYING 1 UNIT PER ACRE (CL/1) TO HIGH RESIDENTIAL, 8 UNITS PER ACRE (HR-8); PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

**WHEREAS**, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

**WHEREAS**, the Palm Beach County Local Planning Agency conducted its public hearings on February 10, 24 and March 24, 2006 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on April 5, 2006 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

1           **WHEREAS**, Palm Beach County received on the Department of  
2           Community Affairs "Objections, Recommendations, and Comments Report,"  
3           dated June 23, 2006 which was the Department's written review of the  
4           proposed Comprehensive Plan amendments; and

5           **WHEREAS**, on August 21, 2006 the Palm Beach County Board of County  
6           Commissioners held a public hearing to review the written comments  
7           submitted by the Department of Community Affairs and to consider  
8           adoption of the amendments; and

9           **WHEREAS**, the Palm Beach County Board of County Commissioners has  
10          determined that the amendments as modified satisfy the concerns  
11          addressed in the Department of Community Affairs' "Objections,  
12          Recommendations and Comments Report" and comply with all requirements  
13          of the Local Government Comprehensive Planning and Land Development  
14          Regulations Act.

15          **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**  
16          **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

17          **Part I. Amendments to the Future Land Use Atlas of the Land Use**  
18          **Element of the 1989 Comprehensive Plan**

19          The following amendments to the Land Use Element's Future Land  
20          Use Atlas are hereby adopted and attached to this Ordinance:

21          **A. Future Land Use Atlas page 64 is amended as follows:**

22          **Application No.:**           **Southern/Jog - SW (LGA 2006-00004)**

23          **Amendment:**           From Low Residential, 1 unit per acre (LR-  
24                                   1) on 12.26 acres and Commercial Low, with  
25                                   an underlying 1 unit per acre (CL/1) on  
26                                   7.36 acres to High Residential, 8 units per  
27                                   acre (HR-8) for then combined 19.62 acre  
28                                   parcel;

29          **General Location:**   On the southwest corner of Southern  
30                                   Boulevard and Jog Road;

31          **Size:**                   Approximately 19.62 acres;

32          **B. Conditions:** This parcel is subject to the following  
33                                   condition:  
34

At the submittal for the Zoning application for approval by the Board of County Commissioners. The proposed development shall comply with the greater of the following two requirements for Workforce Housing:

- a. Twenty-five percent (25%) of the total units or
- b. The total number of workforce units required by the effective County workforce housing program

## **Part II. Repeal of Laws in Conflict**

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

## **Part III. Severability**

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

## **Part IV. Inclusion in the 1989 Comprehensive Plan**

The provision of this Ordinance shall become and be made a part of the 1989 Palm Beach County Comprehensive Plan. The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

## **Part V. Effective Date**

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184(1)(b), Florida Statutes, whichever is applicable. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team. An adopted amendment whose effective date is delayed by law

1 shall be considered part of the adopted plan until determined to be  
2 not in compliance by final order of the Administration Commission.  
3 Then, it shall no longer be part of the adopted plan unless the local  
4 government adopts a resolution affirming its effectiveness in the  
5 manner provided by law.

6 **APPROVED AND ADOPTED** by the Board of County Commissioners of  
7 Palm Beach County, on the 21st day of August, 2006.

8  
9 ATTEST:  
10 SHARON R. BOCK, CLERK

PALM BEACH COUNTY, FLORIDA,  
BY ITS BOARD OF COUNTY COMMISSIONERS

11  
12  
13 By: [Signature] Deputy Clerk By: [Signature] for Tony Masilotti, Chairman  
14  
15

16 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

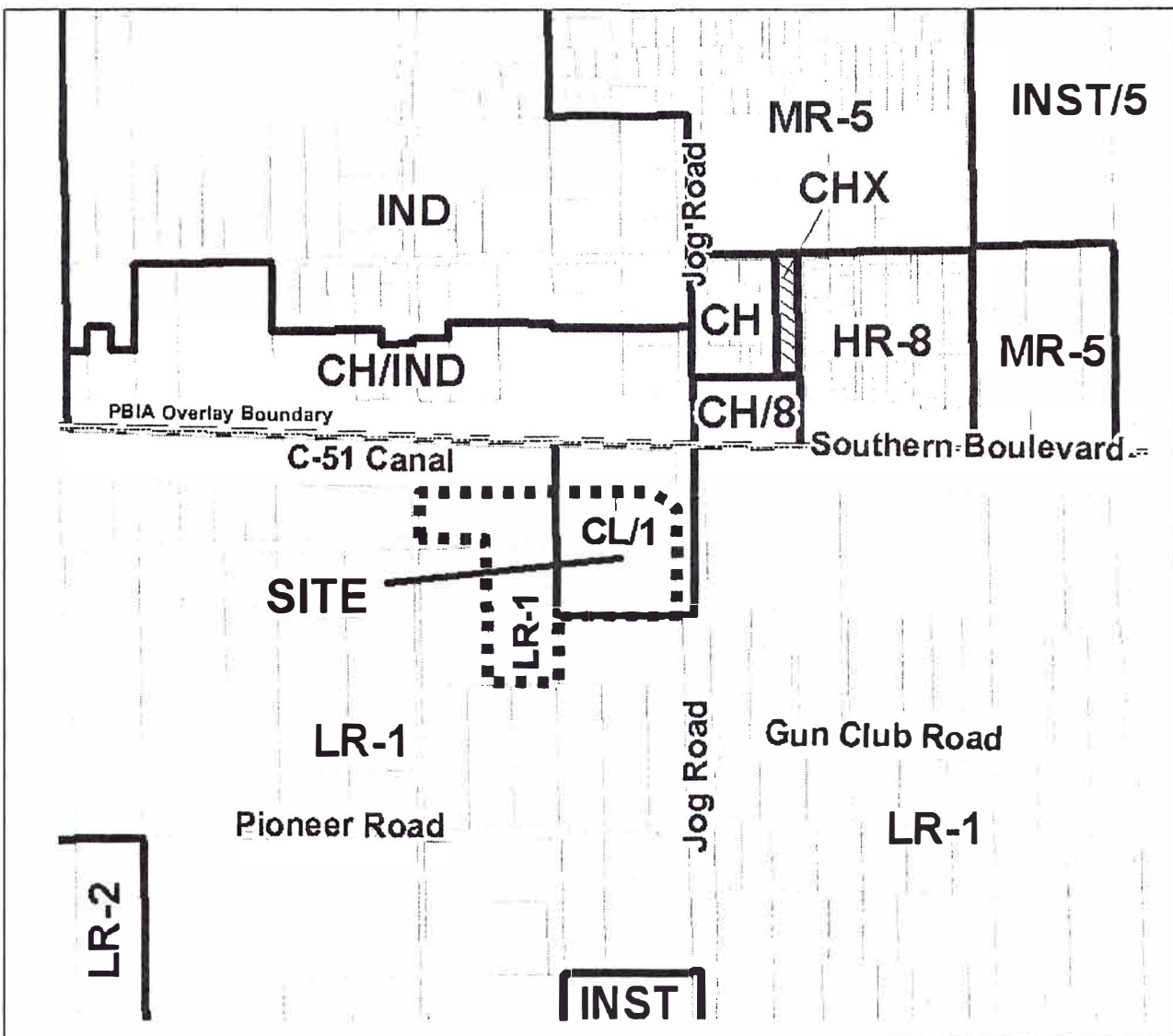
17  
18 [Signature]  
19 COUNTY ATTORNEY

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21 Filed with the Department of State on the 29th day  
22 of August, 2006.

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24 T:\planning\AMEND\06-1\admin\bccadopt\Ordinances\Ordinance\_06-1\_SouthernJogSW.doc  
25  
26

## EXHIBIT 1

**Amendment No.:** Southern/Jog - SW (LGA 2006-00004)  
**FLUA Page No.:** 64  
**Amendment:** From Low Residential, 1 unit per acre (LR-1) on 12.26 acres and Commercial Low, with an underlying 1 unit per acre (CL/1) on 7.36 acres to High Residential, 8 units per acre (HR-8)  
**Location:** Southwest corner of Southern Boulevard and Jog Road.  
**Size:** Approximately 19.62 acres  
**Property No.:** 00-42-43-27-05-005-1951, 00-42-43-27-05-005-1950, 00-42-43-27-05-005-1930, 00-42-43-27-05-013-0011, 00-42-43-27-05-013-0021 & 00-42-43-27-05-013-0013  
**Legal Description:** See attached  
**Conditions:** None



## LEGAL DESCRIPTION:

### PARCEL 2

A tract of land in Section 3, Township 44 South, Range 42 East, Palm Beach County, Florida, bounded as follows:

On the North by the North line of said Section 3; on the South by the Westerly extension of the South line of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of said Section 3; on the East by the West line of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of said Section 3 and on the West by the East line of Blocks 5 and 13, **PALM BEACH FARMS CO. PLAT NO. 3**, Palm Beach County, Florida, according to the Plat thereof on file in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 2, Pages 45 to 54.

### PARCEL 3

A tract of land in Section 3, Township 44 South, Range 42 East, Palm Beach County, Florida, bounded as follows:

On the North by the Westerly extension of the South line of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of said Section 3; on the East by the West line of the Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of said Section 3; on the West by the East line of Tract 1, Block 13, **PALM BEACH FARMS CO. PLAT NO. 3**, Palm Beach County, Florida, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 2, Pages 45 to 54 inc.; and on the South by the Easterly extension of the South line of said Tract 1, Block 13, **THE PALM BEACH FARMS CO. PLAT NO. 3**.

### PARCEL 4

The North  $\frac{1}{2}$  of Tract 1, Block 13, **THE PALM BEACH FARMS CO. PLAT NO. 3**, a subdivision in Palm Beach County, Florida, according to the Plat thereof recorded in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 2, Pages 45 to 54, together with the rights granted to grantor in Official Records Book 1516, Page 559.



Parcel 5

That part of the East ½ of Tract 76 lying South of State Road 80, in Block 5 of the **PALM BEACH FARMS COMPANY PLAT NO. 3**, according to the Plat thereof recorded in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 2, Pages 45 to 54, inclusive.

PARCEL 6

The West ½ of Tract 76, Block 5, **THE PALM BEACH FARMS COMPANY PLAT NO. 3**, which lies South of the Palm Beach Canal, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 2, Page 45.

PARCEL 7

That 50 foot wide strip of land lying South of the Westerly 570' of Tract 76, Block 5, and North of Tract 1, Block 13, **PALM BEACH FARMS CO. PLAT #3**, recorded in Plat Book 2, Pages 45-54 of the Public Records of Palm Beach County Florida.

PARCEL 8

That part of Tract 75, Block 5, **THE PALM BEACH FARMS COMPANY PLAT NO. 3**, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 2, Page 45, lying South of and being adjacent to the Southerly right of way line of the West Palm Beach Canal C-51.

Together with

The North 19.50 feet of the South 330 feet of Tract 1, Block 13, **THE PALM BEACH FARMS CO. PLAT NO. 3**, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida.

**AND**

The North 19.50 feet of the South 330 feet of that part of the West half of Section 3, Township 44 South, Range 42 East, lying East of and adjacent to the South half of Tract 1, Block 13, **THE PALM BEACH FARMS CO. PLAT NO. 3**, less any rights-of-way for Jog Road, according to the Plat thereof recorded in Plat Book 2, Page 45, Public Records of Palm Beach County, Florida.

PARCEL 9

The East half of Tract 2, Block 13, **THE PALM BEACH FARMS COMPANY PLAT NO. 3**, according to the plat thereof recorded in Plat Book 2, Pages 45 to 54 inclusive, in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida.

**TOGETHER WITH** an easement for ingress and egress over the North 19.50 feet of the South 330 feet of Tract 1, Block 13, **THE PALM BEACH FARMS COMPANY PLAT NO. 3**, according to the plat thereof recorded in Plat Book 2, Pages 45 to 54 inclusive, in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida.

**TOGETHER WITH** and easement for ingress and egress over that part of the North 19.50 feet of the South 330 feet of the West half of Section 3, Township 44 South, Range 42 East, lying East of and adjacent to the South Half of Tract 1, Block 13, **THE PALM BEACH FARMS CO., PLAT NO. 3, LESS** any rights-of-way for Jog Road, according to the Plat thereof recorded in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 2, Pages 45 to 54 inclusive.

Containing in all 19.62 acres, **MORE OR LESS.**

STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, SHARON R. BOCK, Clerk & Comptroller certify  
this to be a true and correct copy of the original  
filed in my office on **AUG 21 2006**

dated at West Palm Beach, Fla on **9-7-2006**  
*Judith Cantor*  
Deputy Clerk

